

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1410 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 10-13-3-36, AS AMENDED BY P.L.142-2006,
- 4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2007]: Sec. 36. (a) The department may not charge a fee for
- 6 responding to a request for the release of a limited criminal history
- 7 record if the request is made by a nonprofit organization:
- 8 (1) that has been in existence for at least ten (10) years; and
- 9 (2) that:
- 10 (A) has a primary purpose of providing an individual
- 11 relationship for a child with an adult volunteer if the request
- 12 is made as part of a background investigation of a prospective
- 13 adult volunteer for the organization;
- 14 (B) is a home health agency licensed under IC 16-27-1;
- 15 (C) is a community mental retardation and other
- 16 developmental disabilities center (as defined in IC 12-7-2-39);
- 17 (D) is a supervised group living facility licensed under
- 18 IC 12-28-5;
- 19 (E) is an area agency on aging designated under IC 12-10-1;
- 20 (F) is a community action agency (as defined in
- 21 IC 12-14-23-2);
- 22 (G) is the owner or operator of a hospice program licensed
- 23 under IC 16-25-3; or
- 24 (H) is a community mental health center (as defined in

1 IC 12-7-2-38).

2 (b) Except as provided in subsection (d), the department may not  
3 charge a fee for responding to a request for the release of a limited  
4 criminal history record made by the department of child services or the  
5 division of family resources if the request is made as part of a  
6 background investigation of an applicant for a license under IC 12-17.2  
7 or IC 31-27.

8 (c) The department may not charge a fee for responding to a request  
9 for the release of a limited criminal history if the request is made by a  
10 school corporation, special education cooperative, or nonpublic school  
11 (as defined in IC 20-18-2-12) as part of a background investigation of  
12 a prospective or current employee or a prospective or current adult  
13 volunteer for the school corporation, special education cooperative, or  
14 nonpublic school.

15 (d) As used in this subsection, "state agency" means an authority, a  
16 board, a branch, a commission, a committee, a department, a division,  
17 or another instrumentality of state government, including the executive  
18 and judicial branches of state government, the principal secretary of the  
19 senate, the principal clerk of the house of representatives, the executive  
20 director of the legislative services agency, a state elected official's  
21 office, or a body corporate and politic, but does not include a state  
22 educational institution (as defined in IC 20-12-0.5-1). The department  
23 may not charge a fee for responding to a request for the release of a  
24 limited criminal history if the request is made:

- 25 (1) by a state agency; and
- 26 (2) through the computer gateway that is administered by the  
27 office of technology established by IC 4-13.1-2-1.

28 (e) The department may not charge a fee for responding to a request  
29 for the release of a limited criminal history record made by the Indiana  
30 professional licensing agency established by IC 25-1-5-3 if the request  
31 is:

- 32 (1) made through the computer gateway that is administered by  
33 the office of technology; and
- 34 (2) part of a background investigation of a practitioner or an  
35 individual who has applied for a license issued by a board (as  
36 defined in IC 25-1-9-1).

37 (f) The department may not charge a church or religious society a  
38 fee for responding to a request for the release of a limited criminal  
39 history record if:

- 40 (1) the church or religious society is a religious organization  
41 exempt from federal income taxation under Section 501 of the  
42 Internal Revenue Code;
- 43 (2) the request is made as part of a background investigation of a  
44 prospective or current employee or a prospective or current adult  
45 volunteer; and
- 46 (3) the employee or volunteer works in a nonprofit program or

1 ministry of the church or religious society, including a child care  
2 ministry registered under IC 12-17.2-6.

3 **(g) The department may not charge the school of education of**  
4 **a public or private postsecondary educational institution a fee for**  
5 **responding to a request for the release of a limited criminal history**  
6 **record if the request is made as part of a background investigation**  
7 **of a student before or after the student begins the student's field or**  
8 **classroom experience."**

9 Renumber all SECTIONS consecutively.

(Reference is to HB 1410 as printed February 7, 2007.)

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Representative Koch